

# NICS

## BRADY ACT REQUIREMENTS and BACKGROUND

Mandated by the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, the NICS was established to identify individuals whose possession of a firearm would violate Section 922 (g) or (n) of Title 18, the United States Code, or state law.

The NICS is a national system that interfaces with existing systems such as the National Crime Information Center (NCIC) and the Interstate Identification Index (III) to provide information on individuals who may be prohibited from the transfer of a firearm. Records contained in the NICS include the name, at least one numeric identifier (e.g., date of birth), and the physical description of an individual. The category under which the individual is prohibited from receiving a firearm will also be indicated.

A delay or deny message from the NICS indicates that either you or another individual with a similar name and/or similar descriptive features has been matched with one or more of the following federally prohibitive criteria:

- A. Convicted of/under indictment (information) for a crime punishable by imprisonment for a term exceeding one year, whether or not sentence was imposed.
- B. Persons who are fugitives from justice.
- C. An unlawful user and/or an addict of any controlled substance.
- D. Adjudicated mental defective or involuntarily committed to a mental institution.
- E. An alien illegally/unlawfully in the United States, with the exception of nonimmigrants pursuant to Subsection (y)(2).
- F. Dishonorable Discharge from the United States Armed Forces.
- G. A renouncer of United States citizenship.
- H. The subject of a protective order.
- I. Convicted of a crime of domestic violence.

## NICS Information:

**Facsimile**  
**1-304-625-0535**

**Telecommunications Device  
for the Deaf (TDD)**  
**1-877-NICS-TTY**

**NICS Web Site**  
**[www.fbi.gov/hq/cjisd/nics/index.htm](http://www.fbi.gov/hq/cjisd/nics/index.htm)**

**NICS Appeals E-Mail Address**  
**[nicsappeals@leo.gov](mailto:nicsappeals@leo.gov)**

**NICS Customer Service**  
**1-877-444-NICS (6427)**

### APPEAL ALTERNATIVE

Under Title 18 USC 925A, you may contest the accuracy or the validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the information used to create a record, to add information to an existing record, or for denying the transfer. In addition, you may bring an action against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved.

(Rev. July 2002)

U.S. Department of Justice  
Federal Bureau of Investigation  
*Criminal Justice Information Services Division*



# NICS



## Guide For Appealing A Firearm Transfer DENIAL

**Your Rights & Responsibilities**

**To be provided by the FFL**  
**NTN: \_\_\_\_\_**

If you have been **denied** by a Federal Firearms Licensee (FFL) from receiving a firearm because of a record in the FBI's National Instant Criminal Background Check System (NICS), you may appeal the denial decision. The provisions for appeals are outlined in the NICS Regulations, Correction of Erroneous System Information (28 CFR Part 25.10) and Subsection 103 (f) and (g) and Section 104 of the permanent provisions of the Brady Handgun Violence Prevention Act of 1993 (Brady Act).

This brochure is designed to provide information and instructions for appealing a **DENIAL** decision by the NICS.

### REQUESTING REASONS FOR YOUR DENIAL

1. **You** may request the reason(s) for your **denial** by **writing** to:

Federal Bureau of Investigation  
NICS Operations Center  
Appeal Services Unit, Module A  
Post Office Box 4278  
Clarksburg, WV 26302-9922

**You must include your complete mailing address in the request.** You may submit your request by facsimile transmission or by e-mail. (The NICS facsimile number and E-Mail address are provided on the reverse side of this brochure.)

The NICS **cannot** initiate an appeal for you at the request of another individual without an original statement **signed by you** authorizing the NICS to release information pertaining to you to another individual on your behalf.

The NICS Transaction Number (NTN) is a tracking number that is directly linked to your denial. You **must** include the NTN with your written request. You should obtain the NTN from the FFL who initiated your background check.

2. The NICS Appeal Services Unit (ASU) will respond to your written request by providing the reason(s) for your denial within 5 business days **after** receiving your request.

### APPEALING YOUR DENIAL

The following information outlines the steps you must take to either challenge your record or make a claim that the record used as the basis for your **denial** pertains to someone other than you.

#### Questions of Identity

In some cases involving criminal history records, you may be asked to submit your fingerprints to establish proof of your identity (*if you are the person who was arrested/convicted*). If the submission of fingerprints is requested by the NICS, you may have your fingerprints rolled/recorded at a local law enforcement agency. The fingerprints **must** be submitted by the law enforcement agency that rolled them. The name and address of the law enforcement agency **must be stamped** on the fingerprint card. The NICS will/can provide a fingerprint card for this purpose.

#### Record Challenges

1. After receiving the reason(s) for your denial, you may write to the NICS to challenge the accuracy of the record(s) used in the evaluation of your denial or declare that your rights to obtain a firearm have been restored, etc. If you have any additional information that may assist the NICS in correcting the record(s), you should attach the information to your written response. The NICS will evaluate your information and provide you its decision on your appeal **in writing**.
2. If the NICS is unable to resolve your appeal, you will be provided information to contact the agency(ies) that created the record(s). You may then apply for correction of the record(s) directly with the originating agency(ies). In this case, you must follow procedures established by the state or federal agency that maintains the original record(s). The FBI, as custodian of arrest information submitted voluntarily by local, state, and federal law enforcement agencies, does not have the authority to change such records **unless** notified to do so by an authorized criminal justice agency.

If the NICS determines that your record is invalid, incorrect or incomplete, **the originating agency** may correct your record and may notify you **and** must notify the NICS in writing. The NICS will verify the correction, evaluate the information and provide you with its decision on your appeal **in writing**.

A. You may submit any information to the originating agency(ies) that would assist with the correcting, clarifying, or verifying of your record(s).

B. If you have multiple disqualifying records you wish to challenge, you may submit any information with a request for correction, etc., to each of the originating agencies.

### SUCCESSFUL APPEAL

Once you are notified by the NICS ASU that your denial has been overturned on appeal and that you are eligible to receive a firearm(s), you will be issued a letter (written approval) which **must** be presented to the FFL who initiated your background check. If less than 30 days have passed since the initial NICS check and if there are no other disqualifying records on which the denial was based, the NICS will notify the FFL that the transfer may proceed. If more than 30 days have passed since the initial NICS check, the FFL must recheck the NICS before permitting the firearm transfer.

#### Appeal Inquiry

Any inquiry concerning your appeal should be directed to the ASU in **writing**. Due to the Privacy Act of 1974, the NICS cannot disseminate specific information to you via the telephone.